IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO.365 OF 2006

IN

CRIMINAL WRIT PETITION NO.1941 OF 2006

R.Jayachandran .... Petitioner

versus

State of Maharashtra & anr..... Respondents

Mr.Subhash Kanse, i.b Mr.Majid Memon, Sr.Advocate for Petitioner

Mr.A.S.Gadkari, A.P.P. for Respondents

CORAM : J.N.PATEL AND SMT.ROSHAN DALVI, JJ

DATED : 26th September, 2006

P.C.

1. Heard.

2. Application for intervention of the complainant

allowed.

3. The petitioner has moved this Court seeking an order to quash and set aside the complaint lodged against him pursuant to which offence under section 3 (1) (x) of the S.C.and S.T. (Prevention of Atrocities) Act,1989 came to be registered along with other offences which is registered as L.A.C. No.1485 of 2006 by the M.R.A.Marg police station, Mumbai. On 12th September, 2006 after issuing notice to the petitioner, we passed an order that in case the respondents wants to arrest the petitioner for the purpose of interrogation if required in the facts and circumstances of the case, the petitioner shall be given 72 hours notice.

4. Mr.Gadkari, learned A.P.P. after seeking instructions from the I.O. who is present in the Court alongwith the case diary submits that the investigation would be concluded within four weeks. In case the petitioner's custody is not required and investigation is completed and if the petitioner is formally arrested in the matter, the I.O. would file the charge sheet on the very same day shall inform the petitioner accordingly so that

the petitioner can present an application for bail before the Special Judge who shall consider the application for bail in accordance with law and dispose of the application on the very day.

5. We are required to make these observations as we are prima facie of the view that investigation in such cases do not require the custodial interrogation unless a case is made out for the said purpose which is particularly considering the offences registered under sections 504, 506 of I.P.C against complainant on the report lodged by petitioner and thereafter complaint is lodged against the petitioner under the Atrocities Act.

6. This sufficiently protects the interest of the petitioner as well as the intervenor who is the complainant.

7. Petition stands disposed of accordingly.

(Smt R.S.Dalvi,J) **(J.N.Patel,J)**